

II. REMARKS

A. Introduction

In this Office Action claims 1-39 are noted as pending, claims 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 24-27, 31, 32, 34, 35, 38 and 39 are allowed, and claims 1-7, 10, 13, 16, 19, 22, 23, 28-30, 33, 36 and 37 are rejected based on 35 U.S.C. §§ 112, 102 and/or 103.

In this Response, claim 29 is amended to correct a typographical error, and remarks are provided.

In particular regard to the Examiner's notation on page 7 of the Action that claims 5 and 6 are duplicates, claim 6 depends from claims 4/2/1 and claim 5 depends from claims 3/1, so the ultimate claims 5 and 6 have different scopes: see claim 2 particularly.

Reconsideration is respectfully requested based on the following Remarks.

B. The Present Invention

The only rejected independent claim is claim 1, recites, in the preamble, a toy vehicle which performs both running control and steering control. In the body of the claim, the running control is recited as a "motor mounted in front of and non-coaxially with a front axle on a chassis, for driving a front wheel, wherein the front wheel is driven by the motor to make the toy vehicle run." (Emphasis supplied),

Support for these recitations, and the distinction between the motor for driving the vehicle and the steering control, can be found at, e.g., page 1, first full paragraph, page 2, lines 7-16, page 3, lines 6-9, page 9, lines 5-14, page 10, lines 16-26, page 11, lines 1-8 and **13-18** (compare page 11, lines 20-26 and page 12, lines 1-4 for a description of a steering control embodiment), page 14, lines 2-5 and 12-16, page 17, lines **1-6** (alternate embodiment), and page 18, lines 11-17.

Thus, this independent claim 1 relates to the position of a motor in a toy vehicle, which motor is responsible for driving the toy vehicle, regardless of how it is steered, as there are no limitations in the body of the claim relating to the steering control.

C. Rejection of Independent Claim 1 and Dependent Claims 1-4 and 7 Under 35 U.S.C. § 102(b)

These claims are rejected as being made obvious by a combination of Mabuchi, et al., U.S. Patent No. 4,197,672 and Harada, U.S. Patent No. 6,796,874. The Action indicates that Mabuchi et al. discloses a motor (2) mounted "in front of" a front wheel axle (8) on a chassis (11) for driving a front wheel (1). It is acknowledged that Mabuchi et al. fails to teach or disclose the

"motor being mounted non-coaxially". However, Harada is cited for teaching a "motor (38) mounted non-coaxially with a front wheel axle (30).

Initially, as seen in, e.g., Fig. 3 of Mabuchi et al., the pair of motors (2) is always co-axial with the wheel axles (8) and the motors (2) are not in front of the axles. See, e.g., Col. 2, lines 42-45 and Col. 3, lines 32-39 and 48-50. In fact, half of each motor is behind the axle. Contrast this structure to the recitation "a motor mounted in front of... a front wheel axle...", as recited in claim 1 herein, and see, e.g., Figs. 4, 9 and 10, comparing the positions of the motor (M) and the front wheel axle (14). Accordingly, it is not believed that Mabuchi et al. indeed meets this limitation, or suggests modification of its structure to arrive as such as structure. For example, by putting the motors (2) in front of the front wheel axle, this would interfere with the movement of the tie rod (6) and would force movement further out of same and the separate motor (15) used for steering. The servo-motor (15), which is in front of the front wheel axle, is for controlling the steering/direction and is not for driving the wheels. Thus, this separate motor is not relevant to the claim 1 recitation "for driving a front wheel."

It is respectfully submitted that Harada fails to teach or disclose at least either the non-coaxial arrangement or the "in front of... a front axle" limitations, and therefore fails to compensate for the incomplete teaching of Mabuchi et al.

Harada is directed to improving the conventional steering mechanism shown in Fig. 1 therein, i.e., it attempts to prevent damage to such a steering mechanism by incorporating a shock absorber, as shown in Fig. 3. See Col. 1, lines 28-48. The motor (38) mounted non-coaxially with a front wheel axle is for steering exclusively and not for making the toy vehicle run, as described on lines 35-44 in column 2.

Harada has nothing to do with a motor for driving the toy vehicle which is in front of the front wheel axle, and which is non-co-axial to the front wheel axle. In fact, Harada uses the conventional drive mechanism of a motor 18 for driving rear wheels. See Fig. 3. Even though the motor 38 of Harada, or for that matter the steering motor 18, is non-coaxial with any axle is irrelevant to the positioning of a drive motor in front of the front wheel axle.

Harada could not suggest modifying Mabuchi et al.'s driving motor position to anywhere other than that shown in Fig. 3, i.e., driving the rear wheels, which is totally inconsistent with the Mabuchi et al. structure. For example, should Mabuchi et al. have two drive systems. Certainly not, as this would add unnecessary complexity to the toy. Further, even if Harada were to teach a motor that is non-coaxial, how would the motors (2) of Mabuchi et al. be non-coaxial and still drive the toy? It would appear that at least a gear train (non-coaxial gears) would be necessary between the non-coaxial motors (2) of Mabuchi et al. and the axles, which again would add

unwanted costs and complexities. Further, there is simply no teaching in Harada, even if we assume for argument that it might suggest placing the motors (2) of Mabuchi et al. non-coaxially (and whatever additional/different structure that would require as suggested above, in order to drive the front wheels), Harada certainly does not teach or suggest another missing teaching of Mabuchi et al., i.e., the placement of the motor "in front of ... a front wheel axle...". The Harada motors 18 and 38 are both clearly shown behind the front axles, and there is nothing in the remainder of the specification to suggest otherwise.

D. Rejection of Dependent Claims Under 35 U.S.C. § 103

The remaining non-allowed claims are rejected as being made obvious by Mabuchi, discussed supra, and one of several secondary references.

Regardless of whatever additional feature recited in these dependent claims is allegedly shown or disclosed in these additional references, the fact remains that none compensates for the incomplete teaching of the Mabuchi et al. and Harada combination discussed above, at least in regard to the "motor mounted in front of and non-coaxially with a front wheel axle...for driving a front wheel."

Wu does not teach any motor in front of the front axle. The motor (36) of Wu is between the front and rear gear mechanisms (38) and (40). Col. 4, lines 42-51. Also, compare Fig. 11 with Fig. 2 and it can be seen that the motor (38) would be about mid-way in the chassis. It is not clear where in the written description it is noted that the motor (38) is "mounted adjacent to a front axle", as noted by the Examiner in the Action. Nevertheless, the motor (38) is clearly not in front of the front axle.

As noted previously, Tai-Cheng relates only to a motor (1) located adjacent the rear axle (21) of the toy vehicle.

Belton's drive motor (104) is nowhere near the front of the car, and the motor (62) serves to merely cause the front of the car to bounce up and down. Col. 7, lines 34-57.

D'Andrade et al. does not appear to relate to a motor driven toy at all.

Finally, Hoeting et al. has a drive motor 82 located about mid-way in the remote-controlled motorcycle.

In addition to these differences, each of these dependent claims recites additional limitations which are not believed to be taught by the cited references.

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-39 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

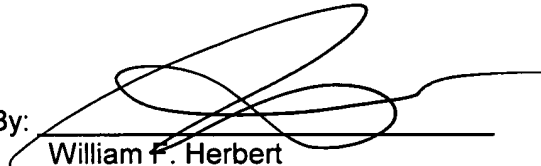
Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

2/28/07

By: _____



William F. Herbert
Registration No. 31,024

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501